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October 15, 2015

Jeff S. Jordan
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

VIA FACSIMILE: (202) 219-3923

Re: **MUR-6968: Right to Rise USA Response to Complaint**

Dear Mr. Jordan:

We are writing this letter on behalf of Right to Rise USA (the "Right to Rise"), and Charles R. Spies, in his official capacity as Treasurer, in response to the Complaint filed in the above-referenced matter by a Democrat front-group called American Democracy Legal Fund ("ADLF"). The Complaint was clearly filed for publicity and political gain, and is based exclusively on speculation and innuendo. The asserted facts on their face do not support a reason to believe finding in this matter, and the Complaint should be dismissed.

The Federal Election Commission (the "Commission") may find "reason to believe" only if a Complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Federal Election Campaign Act (the "Act"). See 11 C.F.R. § 111.4(a), (d). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true. See MUR 4960, Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons (Dec. 21, 2001). Moreover, the Commission will dismiss a complaint when the allegations are refuted with sufficiently compelling evidence. See *id.*

In this case, despite ADLF's vast resources and motivation to create some sort of scenario in the Complaint that, if proven, would constitute a violation of the Act by Respondents, it is unable to provide any evidence that Respondent has violated the Act other than its own politically charged conclusions about Respondents' activities. The Complaint should be promptly dismissed.

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It should be noted that ADLF frequently makes public its disagreements with First Amendment protections for political speech, as ADLF and its staff are committed advocates for restrictions on political speech for their political adversaries. As such, ADLF raises funds for their partisan pro-regulatory agenda by regularly filing FEC complaints hyperbolically asserting violations of the Act by conservative-leaning organizations. ADLF's partisan motives are well-documented,¹ as all of its complaints have been lodged at conservative and Republican organizations. We note this ideological agenda and practice not to pass judgment upon ADLF's business model, but instead to reinforce the facts regarding ADLF's motivation in manufacturing their complaints with the Commission.

The current Complaint is no different, as ADLF once again relies on unsupported allegations and innuendo, and ADLF's own politically motivated and legally flawed conclusions about Respondents' fundraising activities. ADLF's accusations are without legal or factual support and should be dismissed.

Right to Rise USA Has Not Violated Any Provisions of the Act

ADLF's allegation against Right to Rise is limited to a single sentence, in which it boldly asserts that Right to Rise knowingly accepted two contributions in the name of another. ADLF fails to provide a single piece of evidence to support this brazen claim. In fact, it does not include any information whatsoever—either from public resources or personal knowledge—that would inform its unreasonable belief that Right to Rise violated any provision of the Act. Instead, ADLF relies solely on its own self-serving conclusions about Right to Rise's fundraising activities in an attempt to conjure up a claim against Right to Rise.

Right to Rise has and continues to fully comply with its requirements under the Act. Courts have continuously concluded that independent expenditure-only committees (i.e. "Super PACs") are permitted to accept contributions from individuals, corporations, labor unions, associations, and other business entities, including LLCs. *See SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010); *see also Citizens United v. FEC*, 558 U.S. 310 (2010).

Right to Rise has safeguards and controls in place to monitor its contributions and timely file complete and accurate reports in accordance with the Act. Right to Rise's donor form clearly states that "federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in a calendar year," in accordance with the Commission's regulations. *See* 11 CFR §§ 104.3(a)(4); 104.7. The form also requires the donor's assurances that "the contribution, whether personal or corporate, will not be reimbursed by another person or entity." Such safeguards go above and beyond the requirements of the Act and the Commission's regulations.

¹ Kenneth Vogel, *Media Matters' David Brock Expands Empire*, POLITICO, Aug. 13, 2014, available at <http://www.politico.com/story/2014/08/david-brock-citizens-for-responsibility-and-ethics-in-washington-110003.html>.

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In this case, Right to Rise received contributions from two LLCs. There was nothing suspicious on the face of either contribution, and the contributions were deposited and reported in full compliance with the Act. Right to Rise was not under any further obligations with respect to these contributions.

In presenting such a hollow and reckless argument, ADLF identifies "no source of information that reasonably gives rise to a belief in the truth of the allegations presented." See MUR 4960, Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons (Dec. 21, 2001). ADLF's partisan tactics have no place before the Commission, and the Complaint should be summarily dismissed.

Conclusion

In presenting politically-motivated and factually and legally unsubstantiated arguments, ADLF has failed to demonstrate that Right to Rise has violated any provision of the Act or the Commission's regulations. Instead, ADLF has yet again invoked an administrative process as a means to continue its thinly veiled assault on its political opponents. The Complaint is based on malicious speculation and innuendo. We therefore respectfully request that the Commission recognize the legal and factual insufficiency of the Complaint on its face and immediately dismiss it.

Thank you for your prompt consideration of these matters, and please do not hesitate to contact me directly at (202) 572-8663 with any questions.

Respectfully submitted,



Charles R. Spies
James E. Tyrrell III
Counsel to Right to Rise USA

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Received
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Office of General Counsel
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**BEFORE THE FEDERAL ELECTION COMMISSION
STATEMENT OF DESIGNATION OF COUNSEL**

MUR # 6968

Name of Counsel: Charles R. Spies
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The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/15/2015



Treasurer

Date

Respondent/Client Signature

Title

Respondent/Client:

Right to Rise USA
Charles R. Spies, in his official capacity as Treasurer
6230 Wilshire Blvd., PMB 1790
Los Angeles, CA 90048

Telephone - Home:

Business: (202) 572-8663

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.